

## Article 8. Regulations for Limited Density Owner-Built Rural Dwellings

### § 74. Purpose

The purpose of this article is to provide minimum requirements for the protection of life, limb, health, property, safety, and welfare of the general public and the owners and occupants of limited density owner-built rural dwellings and appurtenant structures. It is also the expressed purpose of this article to conform the regulations regarding the construction and use of limited density, rural owner-built dwellings and appurtenant structures to the requirements of Article 1, Section 1, of the California State Constitution, and the statutes of the State of California which require the department to consider the uniform model codes and amendments thereto; and local conditions, among which are conditions of topography, geography and general development; and to provide for the health, safety and general welfare of the public in adopting building standards. Any section, subsection, sentence, clause, or phrase of this article if, for any reason, held to be unconstitutional, or contrary to California statutes, such ruling shall not affect the validity of the remaining portions of this article.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Section 17921, Health and Safety Code.

### § 76. Intent and Application

The provisions of this article shall apply to the construction, enlargement, conversion, alteration, repair, use, maintenance, and occupancy of limited density owner-built rural dwellings and appurtenant structures. It is the intent of this article that the requirements contained herein shall apply to seasonally or permanently occupied dwellings, hunting shelters, guest cottages, vacation homes, recreational shelters and detached bedrooms located in rural areas.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Section 17921, Health and Safety Code.

### § 78. Definitions

For the purposes of this article the following definitions shall apply: "Limited density, rural dwelling." A "limited density, rural dwelling" is any structure consisting of one or more habitable rooms intended or designed to be occupied by one family with facilities for living and sleeping, with use restricted to rural areas that fulfill the requirements of this article. "Owner built."

(a) "Owner built" shall mean constructed by any person or family who acts as the general contractor for, or the provider of, part or all of the labor necessary to build housing to be occupied as the principal residence of that person or family, and not intended for sale, lease, rent or employee occupancy.

(b) For the purposes of this article the sale, lease, renting (see local authority Section 82(b)) or employee occupancy of owner-built structures in one year of issuance of a Certificate of Occupancy shall be presumptive evidence that the structure was erected for the purpose of sale, lease, or renting. "Rural." For the purpose of this article only, "rural" shall mean those unincorporated areas of counties designated and zoned by the appropriate local agency for the application of this article. In defining "rural," the agency shall consider local geographical or topographical conditions, conditions of general development as evidenced by population densities and availability of utilities or services, and such other conditions that the agency deems relevant to its determination. Suitable areas may include those wherein the predominate land usage is forestry, timber production, agriculture, grazing, recreation, or conservation.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Sections 17921 and 17922(b), Health and Safety Code.

### § 80. Local Standards

Pursuant to Sections 17958, 17958.5, and 17958.7 of the Health and Safety Code, the governing body of every jurisdiction in which there exist rural areas displaying conditions appropriate for the application of this article and

designated as such by the appropriate local agency shall adopt regulations imposing the same requirements as are contained in this article.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Sections 17958.2 and 17922(b), Health and Safety Code.

## **§ 82. Regulation of Use**

(a) For the purposes of this article the sale, lease, renting or employee occupancy of owner–built structures within one year of the issuance of a Certificate of Occupancy shall be presumptive evidence that the structure was erected for the purpose of sale, lease or renting.

(b) The restrictions of this article on the sale, lease, renting, or employee occupancy of these dwellings may be reasonably amended to be more restrictive if the governing body determines that such an amendment is necessary to ensure compliance with the intent of this article.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Sections 17921 and 17958.2, Health and Safety Code.

## **§ 84. Abatement of Substandard Buildings**

All structures or portions thereof which are determined by the enforcing agency to constitute a substandard building shall be declared to be a public nuisance and shall be abated by repair, rehabilitation, or removal in accordance with Health and Safety Code Sections 17980 through 17995. In cases of extreme hardship to owner–occupants of the dwellings, the appropriate local body should provide for deferral of the effective date of orders of abatement.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Sections 17980 through 17995, Health and Safety Code.

## **§ 86. Petitions for Interpretations**

Any person or local agency may petition the Department for an interpretation of any provision of this article. Petitions shall be submitted in writing, after which the Department may consider such requests and the Department may make a determination as to the meaning or intent of any provision of this article with respect to the petition in question. The consideration of petitions for interpretation shall be discretionary with the Department.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Section 17930, Health and Safety Code.

## **§ 88. Interpretation**

Interpretations by the Department as to the meaning, intent, or application of the provisions of this article are not intended to preempt the exercising of building or housing appeals processes established by Sections 17930–17932 of the Health and Safety Code, but are intended to facilitate public understanding and the effective enforcement of this article.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Section 17930, Health and Safety Code.

## **§ 90. Notice of Findings**

The Department shall keep a record of all interpretations made by the Commission which shall be available for review by the public or any governmental agency and shall provide notice to the petitioner(s) of the Department's findings.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Section 17930, Health and Safety Code.

## **§ 92. Recording**

No provision of this article is intended to prohibit or limit a local governing body from establishing and enforcing reasonable regulations for the recording of information regarding the materials, methods of construction, alternative facilities, or other factors that may be of value in the full disclosure of the nature of the dwelling and appurtenant structures.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Section 17958.5, Health and Safety Code.

## **§ 94. Violations**

The critical concern in the promulgation of this article is to provide for health and safety while maintaining respect for the law and voluntary compliance with the provisions of this article, and therefore, in the event that an order to correct a substandard condition is ignored, it is the intent of this section that civil abatement procedures should be the first remedy pursued by the enforcement agency.

Note: Authority cited: Sections 17003.5, 17921, 17980, 50061.5 and 50559, Health and Safety Code. Reference: Section 17980, Health and Safety Code.

## **§ 96. Permits**

Permits shall be required for the construction of rural dwellings and appurtenant structures. The application, plans, and other data filed by an applicant for such permit shall be reviewed by the appropriate enforcement agency to verify compliance with the provisions of this article. When the enforcement agency determines that the permit application and other data indicate that the structure(s) will comply with the provisions of this article, the agency shall issue a permit therefore to the applicant. Exemptions: Permits shall not be required for small or unimportant work, or alterations or repairs that do not present a health or safety hazard, and which are in conformance with local zoning requirements or property standards. The determination, if any, of what work is properly classified as small or unimportant or without relation to health and safety hazards is to be made by the appropriate local agencies.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Section 17922(b), Health and Safety Code.

## **§ 98. Application**

To obtain a permit, the applicant shall first file an application therefore with the designated enforcement agency. Permit applications shall contain the following information:

- (1) name and mailing address of the applicant;
- (2) address and location of the proposed structure(s);
- (3) a general description of the structure(s) which shall include mechanical installations with all clearances and venting procedures detailed, electrical installations, foundation, structural, and construction details;
- (4) a plot plan indicating the location of the dwelling in relation to property lines, other structures, sanitation and bathing facilities, water resources, and water ways;
- (5) approval for the installation of a private sewage disposal system or alternate waste disposal means from the local health enforcement agency;
- (6) a stipulation by the applicant that the building or structure is to be owner-built;
- (7) the signature of the owner or authorized agent;
- (8) the use or occupancy for which the work is intended;
- (9) and any other data or information as may be required by statute or regulation.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Section 17922(b), Health and Safety Code.

## **§ 100. Plans**

Plans shall consist of a general description of the structure(s), including all necessary information to facilitate a reasonable judgment of conformance by the enforcing agency. This may include a simplified diagram of the floor plan and site elevation in order to determine the appropriate dimensions of structural members. Architectural drawings and structural analyses shall not be required except for structures of complex design or unusual conditions for which the enforcement agency cannot make a reasonable judgment of conformance to this article based upon the general description and simplified plan(s).

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Section 17951(d), Health and Safety Code.

## **§ 102. Waiver of Plans**

The enforcement agency may waive the submission of any plans if the agency finds that the nature of the work applied for is such that the reviewing of plans is not necessary to obtain compliance with this article.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Section 17951(d), Health and Safety Code.

## **§ 104. Modifications**

Modifications to the design, materials, and methods of construction are permitted, provided that the structural integrity of the building or structure is maintained, the building continues to conform to the provisions of this article and the enforcement agency is notified in writing of the intended modification.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Section 17951, Health and Safety Code.

## **§ 106. Permit Validity**

Permits shall be valid, without renewal, for a minimum period of three years.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Section 17921, Health and Safety Code.

## **§ 108. Inspections**

All construction or work for which a permit is required may be subject to inspection by the designated enforcement agency. If an inspection is required, the inspection of the building or structure(s) shall be conducted after the structure(s) is completed and ready for occupancy, in order to determine compliance with the provisions of this article. Structures of conventional or simple construction shall be inspected at a single inspection.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Section 17970, Health and Safety Code.

## **§ 110. Special Inspections**

Additional inspections may be conducted under the following circumstances: An inspection may be conducted where there is a reasonable expectation that the footing will be subjected to serious vertical or lateral movement due to unstable soil conditions; or the application indicates that interior wall coverings or construction elements will conceal underlying construction, electrical or mechanical systems; or where an unconventional construction method is indicated which would preclude examination at a single inspection.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Sections 17970, 17953, 17954 and 17955, Health and Safety Code.

### **§ 112. Inspection Waivers**

Inspections may be waived by the enforcement agency for structures which do not contain electrical or mechanical installations or for alterations, additions, modifications, or repairs that do not involve electrical or mechanical installations; or where the applicant stipulates in writing that the work has been conducted in compliance with the permit application and the provisions of this article.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Section 17970, Health and Safety Code.

### **§ 114. Inspection Requests and Notice**

It shall be the duty of the applicant to notify the enforcement agency that the construction is ready for inspection and to provide access to the premises. Inspections shall be requested by the applicant at least (48) hours in advance of the intended inspection. It shall be the duty of the enforcement agency to notify or inform the applicant of the day during which the inspection is to be conducted.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Section 17970, Health and Safety Code.

### **§ 116. Certificate of Occupancy**

After the structure(s) is completed for occupancy and any inspections which have been required by the enforcing agency have been conducted, and work approved, the enforcement agency shall issue a Certificate of Occupancy for such dwelling(s) and appurtenant structure(s) which comply with the provisions of this article.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Section 17958, Health and Safety Code.

### **§ 118. Temporary Occupancy**

The use and occupancy of a portion or portions of a dwelling or appurtenant structure prior to the completion of the entire structure shall be allowed, provided that approved sanitary facilities are available at the site and that the work completed does not create any condition to an extent that endangers life, health or safety of the public or occupants. The occupants of any such uncompleted structure shall assume sole responsibility for the occupancy of the structure or portion thereof.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Section 17921, Health and Safety Code.

### **§ 120. Fees**

Fees may be required and collected by the enforcement agency to provide for the cost of administering the provisions of this article. It is the intent of this article that permit and inspection fee schedules be established to reflect the actual inspection and administrative costs resulting from the application of this article.

Note: Authority cited: Sections 17003.5, 17921, 17952(b), 50061.5 and 50559, Health and Safety Code. Reference: Sections 17951 and 17952(b), Health and Safety Code.

### **§ 122. General Requirements**

(a) Each structure shall be constructed in accordance with applicable requirements contained in Subchapter 2-12, Title 24, California Code of Regulations.

(b) Each structure shall be maintained in a sound structural condition to be safe, sanitary, and to shelter the occupants from the elements.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Sections 17921 and 17922, Health and Safety Code.

#### **§ 124. Intent of General Requirements**

It shall be the purpose and intent of this article to permit the use of ingenuity and preferences of the builder, and to allow and facilitate the use of alternatives to the specifications prescribed by the uniform technical codes to the extent that a reasonable degree of health and safety is provided by such alternatives, and that the materials, methods of construction, and structural integrity of the structure shall perform in application for the purpose intended. To provide for the application of this article, it shall be necessary for the enforcement agency to exercise reasonable judgment in determining the compliance of appropriate structures with the general and specific requirements of this article.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Sections 17921 and 17923, Health and Safety Code.

#### **§ 126. Technical Codes to Be a Basis of Approval**

Except as otherwise required by this article, dwellings and appurtenant structures constructed pursuant to this part need not conform with the construction requirements prescribed by the latest applicable editions of the Uniform Building, Plumbing, and Mechanical Codes, the National Electrical Code, or other applicable technical codes; however, it is not the intent of this section to disregard nationally accepted technical and scientific principles relating to design, materials, methods of construction, and structural requirements for the erection and construction of dwelling and appurtenant structures as are contained in the uniform technical codes. Such codes shall be a basis for approval.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Section 17922, Health and Safety Code.

#### **§ 128. Mechanical Requirements**

Fireplaces, heating and cooking appliances, and gas piping installed in buildings constructed pursuant to this article, shall be installed and vented in accordance with the applicable requirements contained in the California Mechanical Code, Part 4, Title 24, California Code of Regulations.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Section 17922, Health and Safety Code.

#### **§ 130. Electrical Requirements**

No dwelling or appurtenant structure constructed pursuant to this article shall be required to be connected to a source of electrical power, or wired, or otherwise fitted for electrification, except as set forth in Section 132.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Section 17922, Health and Safety Code.

#### **§ 132. Installation Requirements**

Where electrical wiring or appliances are installed, the installation shall be in accordance with the applicable requirements contained in the California Electrical Code, Part 3, Title 24, California Code of Regulations.

Exceptions to Installation Requirements. In structures where electrical usage is confined to one or more rooms of a structure, the remainder of the structure shall not be required to be wired or otherwise fitted for electrification unless the enforcement agency determines the electrical demands are expected to exceed the confinement and capacity of that room(s). In these instances, the enforcement agency may require further electrification of the structure. It is the intent of this subsection to apply to buildings in which there exists a workshop, kitchen, or other single room which may require electrification, and where there is no expectation of further electrical demand. The enforcement agency shall, at the time of a permit application or other appropriate point, advise the applicant of the potential hazards of violating this section.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Section 17922, Health and Safety Code.

#### **§ 134. Plumbing Requirements**

Plumbing equipment and installation shall be in accordance with the applicable requirements contained in the California Plumbing Code, Part 5, Title 24, California Code of Regulations applicable to the construction of limited density owner-built rural dwellings.

Note: Authority cited: Sections 17003.5, 17921, 50061.5 and 50559, Health and Safety Code. Reference: Section 17922, Health and Safety Code.